Prohibiting employment of children

*39. SHRIMATI N.P. DURGA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) the details of list of hazardous processes and occupations where employment of children below 18 years is strictly prohibited;

(b) whether it is a fact that the Ministry proposes to expand the list of hazardous processes and occupations; and

(c) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) The Child Labour (Prohibition & Regulation) Act, 1986 prohibits employment of children below the age of 14 years in 15 Occupations and 57 Processes. The list of occupations and processes is given in the Statement. (*See* below)

(b) and (c) The expansion of the list of hazardous occupations and processes is a continuous process. Government has been expanding the list of hazardous occupations/ processes on the basis of the recommendations of the Technical Advisory Committee constituted for this purpose under the Act. The details of the expansion of this list are as follows:

Additions to the Schedule to the Child Labour (Prohibition & Regulation) Act, 1986

Year	Part-A Occupations		Part-B Processes	
	Additions	Total	Additions	Total
1986	—	5	—	11
1989	1	6	3	14
1994	1	7	4	18
1999	6	13	33	51
2001	—	13	6	57
2006	2	15	—	57

Statement

This list of occupations and processes which prohibit employment of children below the age of 14 years.

PART-A

Occupations

Any occupation concerned with:—

(1) Transport of passengers, goods or mails by railways;

(2) Cinder picking, clearing of an ash pit or building operation in the railway premises;

(3) Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from the one platform to another or in to or out of a moving train;

(4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;

(5) A port authority within the limits of any port;

*(6) Work relating to selling of crackers and fireworks in shops with temporary licenses;

#(7) Abattoirs/Slaughter House;

$(8) Automobile workshops and garages;

(9) Foundries;

(10) Handling to toxic or inflammable substances or explosives;

(11) Handloom and power loom industry;

(12) Mines (underground and under water) and collieries;

(13) Plastic units and fiberglass workshops;

**(14) Domestic workers or servants and

**(15) Dhabas (roadside eateries), restaurants, hotels, motels, tea shops, resorts, spas or other recreational centres.

PART-B

Processes

(1) Beedi-making.

(2) Carpet-weaving.

(3) Cement manufacture, including bagging of cement.

(4) Cloth printing, dyeing and weaving.

(5) Manufacture of matches, explosive and fire-works.

(6) Mica-cutting and splitting.

(7) Shellac manufacture.

(8) Soap manufacture.

(9) Tanning.

(10) Wool-cleaning.

(11) Building and construction industry,

*(12) Manufacture of slate pencils (including packing).

*(13) Manufacture of products from agate.

*(14) Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos.

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* Ins. by Notification No. S. O. 404(E) dated the 5th June, 1989 published in the Gazette of India, Extraordinary.

\# Ins. by Notification No. S.O. 263(E) dated 29th March, 1994 published in the Gazette of India, Extraordinary.

$ Ins. Sr. No. 8-13 in Part A and Sr. No. 19-51 in Part B by Notification No. S.O. 36 (E) dated 27th January 1999 published in the Gazette of India, Extraordinary.

** Ins. Sr. 14 & 15 in Part A by Notification No. S.O. 1742(E) dated the 10th October, 2006 published in the Gazette of India, Extraordinary.

#(15) "Hazardous processes" as defined in Sec. 2 (cb) and 'dangerous operation' as notice in rules made under section 87 of the Factories Act, 1948 (63 of 1948)

#(16) Printing as defined in Section 2(k) (iv) of the Factories Act, 1948 (63 of 1948)

#(17) Cashew and cashewnut descaling and processing.

#(18) Soldering processes in electronic industries.

$(19) "Aggarbatti' manufacturing.

(20) Automobile repairs and maintenance including processes incidental thereto namely, welding, lathe work, dent beating and painting.

(21) Brick kilns and Roof tiles units.

(22) Cotton ginning and processing and production of hosiery goods.

(23) Detergent manufacturing.

(24) Fabrication workshops (ferrous and non-ferrous)

(25) Gem cutting and polishing.

(26) Handling of chromite and manganese ores.

(27) Jute textile manufacture and coir making.

(28) Lime Kilns and Manufacture of Lime.

(29) Lock Making.

(30) Manufacturing processes having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal constructions, welding of galvanized or zinc silicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scraping of lead paint, burning of lead in enamelling workshops, lead mining, plumbing, cable making, wiring patenting, lead casting, type founding in printing shops. Store type setting, assembling of cars, shot making and lead glass blowing.

(31) Manufacture of cement pipes, cement products and other related work.

(32) Manufacture of glass, glass ware including bangles, florescent tubes, bulbs and other similar glass products.

(33) Manufacture of dyes and dye stuff.

(34) Manufacturing or handling of pesticides and insecticides.

(35) manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo engraving and soldering processes in electronic industry.

(36) Manufacturing of burning coal and coal briquettes.

Ins. by Notification No. S.O. 263(E) dated 29th March, 1994 published in the Gazette of India, Extraordinary.

$ Ins. Sr. No. 8-13 in Part A and Sr. No. 19-51 in Part B by Notification No. S.O. 36 (E) dated 27th January 1999 published in the Gazette of India, Extraordinary.

(37) Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather.

(38) Moulding and processing of fibreglass and plastic.

(39) Oil expelling and refinery.

(40) Paper making.

(41) Potteries and ceramic industry.

(42) Polishing, moulding, cutting, welding and manufacturing of brass goods in all forms.

(43) Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting.

(44) Saw mill-all processes.

(45) Sericulture processing.

(46) Skinning, dyeing and processes for manufacturing of leather and leather products.

(47) Stone breaking and stone crushing.

(48) Tobacco processing including manufacturing of tobacco, tobacco paste and handling of tobacco in any form.

(49) Tyre making, repairing, re-treading and graphite benefication.

(50) Utensils making, polishing and metal buffing.

(51) 'Zari' making (all processes).'

@(52) Electroplating;

(53) Graphite powdering and incidental processing;

(54) Grinding or glazing of metals;

(55) Diamond cutting and polishing;

(56) Extraction of slate from mines;

(57) Rag picking and scavenging;

a. for item (2), the following item shall be substituted, namely:—

'(2) carpet weaving including preparatory and incidental process thereof;'

b. for item (4), the following item shall be substituted, namely:—

'(4) cloth printing, dyeing and weaving including processes preparatory and incidental thereto:

@ Ins. Sr. No. 52-57 part B by Notification No. S.O. 397(E) dated the 10th May 2001 published in the Gazette of India, Extraordinary.

c. for item (11) the following shall be substituted, namely:—

"(11) Building and Construction Industry including processing and polishing of granite stones."

Violation of Child Labour Law

†*40. SHRI PYARELAL KHANDELWAL: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government is aware that child labour is still existing in various States in the country and labour laws are being openly flouted;

(b) if so, the States in the country from where child labourers have been rescued during the last one year; and

(c) the action taken against the persons found responsible for violation of labour laws during the last one year, the details thereof, State-wise?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) to (c) Yes, Sir. Child labour being a complex socio-economic problem needs sustained efforts over a long period of time. Considering the nature and magnitude of the problem, Government is following a sequential approach, initially covering children working in hazardous occupations/processes.

As per Section 14 of the Child Labour (Prohibition & Regulation) Act, 1986, any person who employs a child in any occupation of process where employment of children is banned under the Act, is liable for punishment with imprisonment for a term which shall not be less than 3 months but which may extend to one year or with fine ranging from Rs. 10,000/- to Rs. 20,000/-. State Governments are the appropriate Government for implementation of the provisions of the Child Labour (Prohibition & Regulation) Act, 1986 for the areas coming under their jurisdiction. The information received from the State Governments as regards the number of inspections, violations, convictions and prosecutions during 2006-07 is given in the statement.

Statement

The number of inspections, violations, convictions and prosecutions during 2006-07 as received from the State Governments.

Name of State/UT	Inspections	Violations	Convictions	Prosecution
1	2	3	4	5
1. Andaman & Nico I.UT				
2. Andhra Pradesh	53843	53843	0	9228
3. Arunachal Pradesh				
4. Assam				
5. Bihar				

†Original notice of the question was received in Hindi.